

OCT 26 2004

PTO/SB/21 (02-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/698,317
Filing Date	10/27/2000
First Named Inventor	Choi et al.
Art Unit	2834
Examiner Name	Thomas M. Dougherty
Attorney Docket Number	PA09-06V02

Total Number of Pages in This Submission

16

**ENCLOSURES (Check all that apply)**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Application for Patent Term Adjustment<br>Return Receipt Postcard |
|--|--|--|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Kenneth C. Brooks, Reg. No. 38,393
Signature	<i>Kenneth C. Brooks</i>
Date	10/27/04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Katrina Prati		
Signature	<i>Katrina Prati</i>	Date	10/22/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **PATENT & TRADEMARK OFFICE** **FREE TRANSMITTAL** **for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 200.00

**Complete if Known**

Application Number	09/698,317
Filing Date	10/27/2000
First Named Inventor	Choi et al.
Examiner Name	Thomas M. Dougherty
Art Unit	2834
Attorney Docket No.	PA09-06V02

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit  
Account  
Number  
Deposit  
Account  
Name

502650

Molecular Imprints, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$ ) 0	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		-20** =		X		=	
Independent Claims		-3** =		X		=	
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$ ) 0	

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)				Application for Patent Term Adjustment	200.00
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$ ) 200.00

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Kenneth C. Brooks	Registration No. (Attorney/Agent)	38,393	Telephone	512-339-7760
Signature		Date	10/27/04		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Applicants: Choi et al. PATENT APPLICATION  
App. No. 09/698,317 TC/A.U.: 2834  
Filed: Oct. 27, 2000 Examiner: Dougherty, Thomas M.  
Docket No.: PA09-06V02 Confirmation No.: 6298  
For: HIGH-PRECISION ORIENTATION ALIGNMENT AND GAP CONTROL  
STAGES FOR IMPRINT LITHOGRAPHY PROCESSES

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**APPLICATION FOR PATENT TERM ADJUSTMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respond to the Notice of Allowance mailed September 01, 2004. All references made herein concerning the timing of documents are directed to the Patent Application Information Retrieval Website for the patent application that is identified above, unless indicated otherwise.

**BACKGROUND**

On October 27, 2000, the above-identified patent application was filed with the United States Patent and Trademark Office. On or about, May 16, 2003, a Restriction Requirement was mailed to the Applicants in excess of 500 days after the 14th month requirement as set forth by 35 USC section 154 (b) and 37 CFR section 1.703(1). In response to the first Restriction Requirement, Applicants filed an Amendment that was received in the United States Patent and Trademark Office [hereinafter referred to as USPTO] on or about July 7, 2003. A second Restriction Requirement was mailed on November 12, 2003, which was 5 days past the four-month deadline established by 35 USC section 1.54 (b) and

37 CFR section 1.703(2). In response, Applicants filed a second Amendment that was received by the USPTO on November 24, 2003. According to PAIR, on or about February 20, 2004, a non-final Office action was mailed to the Applicants' attorney of record. See Appendix 1, attached hereto. On the same date, as indicated by PAIR, the mail was returned as undeliverable. See *id.* Finally, on August 4, 2004, following a telephone interview with the Examiner in charge of the application, the first non-final Office action received by Applicants' attorney was mailed-- 126 days after the four-month deadline as set forth by 36 USC section 154(b) and 37 CFR section 1.703(2). On September 1, 2004, a Notice of Allowance was mailed which indicated a Patent Term Adjustment of 510 days, an adjustment that is approximately 126 days shorter than the adjustment to which Applicants are entitled. As a result, Applicants submit the present Application for Patent Term Adjustment.

#### A. Applicable Law

The Code of Federal Regulations recites that a request for reconsideration of the patent term adjustment indicated on the Notice of Allowance must be by way of an Application for Patent Term Adjustment and must occur before payment of the issue fee. 37 CFR section 1.705 (b). The fee set forth in 37 CFR section 1.18(e) must be included, along with a statement of facts involved specifying the correct patent term adjustment and the basis for the same. See *id.* The relevant dates 1.703(a)(e) for which an adjustment is sought and the adjustment as specified in 1.703(f). See *id.*

C. Patent Term Adjustment Determination

The gravamen of Applicants' Application for Patent Term Adjustment results from confusion over the Non-Final Rejection having a USPTO mailroom date of February 20, 2004, shown on the transactional history of the PAIR website and in the Appendix 1. Specifically, Applicants have no record of receiving these communications and, furthermore, Applicants' attorney indicated as much to the Examiner in charge of the application on or about August 3, 2004. See Appendix 2 attached hereto. Finally, considering that the non-final Office action was indicated as being returned as undeliverable on the same day that the non-final Office action was indicated as being in the USPTO mailroom, Applicants doubt whether the non-final office action of February 20, 2004 was mailed. Without mailing of the non-final Office action of February 20, 2004, Applicants contend that it was the non-final Office action mailed on August 4, 2004 that was the first action of the USPTO that satisfied the requirements of 35 USC section 132 for purposes of 37 CFR section 1.702 (2). As a result, the USPTO's first action pursuant to 35 USC section 132 was mailed August 4, 2004--126 days after the four-month period, required by 35 USC section 154(b) and 37 CFR section 1.702(2), expired. As a result, Applicants respectfully contend that the PTA be adjusted to include these 126 days in excess of the four months from the receipt by the USPTO, on November 24, 2003, of the second amendment. Thus, the entire term of the patent adjustment should be 636 days.

The undersigned authorizes charging deposit account number 502650 any and all fees necessary to effectuate

consideration of the present application, including the \$200.00 fee set forth in 37 CFR section 1.18(e).

Furthermore, Applicants are unaware of any circumstance during the prosecution of the application patent that constitutes a failure to engage in reasonable efforts to conclude processing or examination of such application. However, an amendment after Notice of Allowance was filed with the USPTO on or about October 15, 2004.

The present patent application is not subject to any terminal disclaimer.

Finally, as of the date of this Application, Applicants have not paid the issue fee.

Applicants respectfully request reconsideration of the Patent Term Adjustment in view of the foregoing.

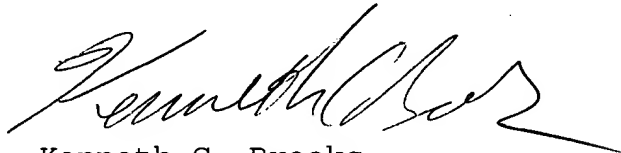
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents.

Signed: Katrina Prati  
Typed Name: Katrina Prati

Date: 10-22-04

Respectfully submitted,



Kenneth C. Brooks  
Reg. No. 38,393

Legal Department  
Molecular Imprints, Inc.  
P.O. Box 81536  
Austin, TX 78708-1436  
(512) 339-7760, ext. 243  
(512) 491-8918  
kbrooks@militho.com



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Application Number

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Or  
Or  
Via

09/698,317

HIGH PRECISION ORIENTATION ALIGNMENT AND GAP C  
LITHOGRAPHY PROCESSES

Application  
Data

Transaction  
History

Image File  
Wrapper

Patent Term  
Adjustments

Continuity  
Data

This application is officially maintained in electronic form. To View: Click the desired document(s) and click StartDownload.

Mail Room Date	Document Description	Pag
10-15-2004	Amendment after Notice of Allowance (Rule 312)	
10-15-2004	Claim	
10-15-2004	Applicant Arguments or Remarks Made in an Amendment	
10-13-2004	Information Disclosure Statement	
10-13-2004	Foreign Reference	
10-13-2004	Foreign Reference	
10-13-2004	Foreign Reference	
10-13-2004	Foreign Reference	
10-13-2004	Foreign Reference	
10-13-2004	Foreign Reference	
10-13-2004	Foreign Reference	
10-13-2004	NPL Documents	
10-13-2004	NPL Documents	
10-13-2004	NPL Documents	
10-13-2004	NPL Documents	

**Sequence Listings**

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Publications  
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**Other**

**Copyrights  
Policy & Law  
Reports  
Trademarks**

10-13-2004	NPL Documents
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10-13-2004	NPL Documents
09-01-2004	Notice of Allowance
09-01-2004	Notice of Allowance
09-01-2004	List of References cited by Applicant
09-01-2004	Search info on File Wrapper
09-01-2004	Issue Information on File Wrapper
09-01-2004	Bibliographic Data Sheet
08-30-2004	Fee Worksheet (PTO-875)
08-30-2004	Claims recorded on File Wrapper
08-20-2004	Amendment
08-20-2004	Claim
08-20-2004	Applicant Arguments or Remarks Made in an Amendment
08-10-2004	Information Disclosure Statement
08-04-2004	Non-Final Rejection
08-04-2004	Examiner Interview Summary Record (PTOL - 413)
08-04-2004	List of references cited by Examiner
08-04-2004	List of References cited by Applicant
08-04-2004	Search info on File Wrapper
04-13-2004	Miscellaneous Incoming Letter



03-22-2004	Preliminary Amendment
03-22-2004	Specification
03-22-2004	Applicant Arguments or Remarks Made in an Amendment
03-22-2004	Miscellaneous Incoming Letter
03-22-2004	Drawings
02-20-2004	<u>Mail returned to USPTO as undelivered</u>
02-20-2004	<u>Non-Final Rejection</u>
02-20-2004	List of references cited by Examiner
02-20-2004	List of References cited by Applicant
02-20-2004	Search info on File Wrapper
02-13-2004	Examiner Search Notes
02-12-2004	Examiner Search Notes
12-22-2003	Information Disclosure Statement
12-22-2003	NPL Documents
11-28-2003	Response to Election/Restriction Filed
11-28-2003	Claim
11-28-2003	Applicant Arguments or Remarks Made in an Amendment
11-12-2003	Requirement for Restriction/Election
07-21-2003	Request for Refund
07-16-2003	Request for Refund
07-07-2003	Amendment
07-07-2003	Specification
07-07-2003	Claim
07-07-2003	Applicant Arguments or Remarks Made in an Amendment
07-07-2003	Drawings
07-07-2003	Transmittal to TC
07-07-2003	Authorization from Applicant to Treat All Replies as Incorporating an Extension of Time
07-07-2003	Specification

07-07-2003	<b>Abstract</b>
05-16-2003	<b>Non-Final Rejection</b>
02-26-2003	<b>Information Disclosure Statement</b>
02-26-2003	<b>Foreign Reference</b>
02-26-2003	<b>Foreign Reference</b>
02-26-2003	<b>Foreign Reference</b>
02-26-2003	<b>Foreign Reference</b>
02-26-2003	<b>NPL Documents</b>
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02-26-2003	<b>NPL Documents</b>
02-26-2003	<b>NPL Documents</b>
02-26-2003	<b>NPL Documents</b>
02-26-2003	<b>NPL Documents</b>
02-26-2003	<b>Transmittal to TC</b>
12-31-2002	<b>Communication - Re: Power of Attorney (PTOL-308)</b>
11-18-2002	<b>Transmittal to TC</b>
11-18-2002	<b>Change in Power of Attorney (May include Associate POA)</b>
08-13-2002	<b>Miscellaneous Incoming Letter</b>
06-21-2002	<b>NPL Documents</b>
06-21-2002	<b>NPL Documents</b>
06-21-2002	<b>NPL Documents</b>
06-21-2002	<b>NPL Documents</b>
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06-21-2002	<b>NPL Documents</b>
06-21-2002	<b>NPL Documents</b>
06-21-2002	<b>Foreign Reference</b>
06-21-2002	<b>Foreign Reference</b>
06-21-2002	<b>Foreign Reference</b>



06-21-2002	NPL Documents
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01-31-2002	Communication - Re: Power of Attorney (PTOL-308)
01-15-2002	Transmittal to TC
01-15-2002	Change in Power of Attorney (May include Associate POA)
01-15-2002	Change of Address
07-02-2001	Preliminary Amendment
07-02-2001	Claim
07-02-2001	Applicant Arguments or Remarks Made in an Amendment
07-02-2001	Transmittal to TC
06-07-2001	Applicant Response to Pre-Exam Formalities Notice

06-07-2001	Extension of time from Applicant - filed as separate letter
06-07-2001	Oath or Declaration filed
12-26-2000	Pre-Exam Formalities Notice
10-27-2000	Issue Information on File Wrapper
10-27-2000	Search info on File Wrapper
10-27-2000	Claims recorded on File Wrapper
10-27-2000	Transmittal of New Application
10-27-2000	Specification
10-27-2000	Claim
10-27-2000	Abstract
10-27-2000	Drawings
10-27-2000	Oath or Declaration filed
10-27-2000	Fee Worksheet (PTO-875)
10-27-2000	Fee Worksheet (PTO-875)
10-27-2000	Miscellaneous Incoming Letter
10-27-2000	Miscellaneous Incoming Letter

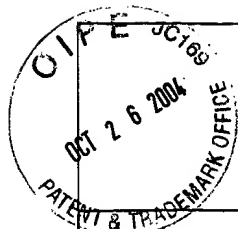
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# Interview Summary

Application No.	Applicant(s)	
09/698,317	CHOI ET AL.	
Examiner	Art Unit	
Thomas M. Dougherty	2834	

All participants (applicant, applicant's representative, PTO personnel):

(1) Thomas M. Dougherty. (3) \_\_\_\_\_

(2) Ken Brooks, Esq. (4) \_\_\_\_\_

Date of Interview: 02 August 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

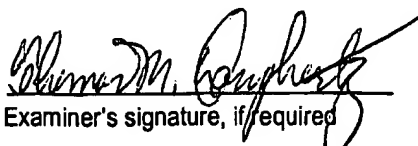
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Brooks noted that the first office action was never received and that the preliminary amendment was not considered prior to that office action. The Examiner told Mr. Brooks that he would send another office action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

THOMAS M. DOUGHERTY  
PRIMARY EXAMINER  
GROUP 2800

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required